



FH

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

HMO/164523

PRELIMINARY RECITALS

Pursuant to a petition filed March 07, 2015, under Wis. Stat. § 49.45(5)(a), and Wis. Admin. Code § HA 3.03, to review a decision by the Division of Health Care Access and Accountability in regard to Medical Assistance, a hearing was held on commenced on March 26, 2015 and concluded on July 09, 2015, at Milwaukee, Wisconsin.

The issue for determination is why medical bills for Petitioner's son were paid by BadgerCare+ Medicaid but not those of her daughter.

Petitioner's appeal also questioned why her children were not covered by Medicaid. That issue was assigned case # BCS-164589. The hearings began together but the above captioned case was adjourned and the issue of coverage completed and addressed in an earlier decision for case #BCS-164589. Though the decision concluded that the appeal was untimely, the decision did explain why the one child was covered and the other not covered. Though the above captioned case hearing was adjourned and rescheduled, the answer as to why one child's medical bills were covered and the other not was really addressed in the coverage answer in the earlier decision.

There appeared at that time and place (7/9/15) the following persons via telephone:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: Lucy Miller, RN of ForwardHealth on behalf of
Division of Health Care Access and Accountability
Madison, WI

ADMINISTRATIVE LAW JUDGE:

David D. Fleming
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Milwaukee County.
2. Petitioner filed this appeal on March 7, 2015. She also filed an appeal on March 10, 2015 to contest a lack of BadgerCare+ coverage for her children in 2014. A hearing was held on March 26, 2015 and a decision issued on May 28, 2015 for case # BCS-164589. The following Findings were made in that Decision:
 - Petitioner was sent a Notice of Decision dated March 3, 2014 that informed her that her children [REDACTED] and [REDACTED] were covered by BadgerCare+ effective February 1, 2014 without a premium.
 - Petitioner was sent a Notice of Decision dated April 7, 2014 that informed her that her son [REDACTED] was covered by BadgerCare+ but that her daughter [REDACTED] was not because of access to a parent employer sponsored health insurance plan.
 - Petitioner was sent a Notice of Decision dated October 16, 2014 that informed her that as of November 1, 2014 neither child was covered by BadgerCare+ because of access to an employer sponsored health insurance plan.
 - The Notices referred to at Finding #s 2, 3 and 4 were all sent to Petitioner at the above address and all contained appeal instructions.
 - BadgerCare+ coverage for Petitioner's son was an error by the agency. The April 7, 2014 Notice of Decision reflects that error in stating the son was covered. Agency case notes indicate that Petitioner's case was not coded properly at some point in the past to include [REDACTED] as the child of the same father as [REDACTED].
 - Ultimately, Medical bills for Petitioner's son were paid for by BadgerCare+ but not those of her daughter. Petitioner was in contact with the agency by phone during the period of August - November 2014 with inquiries as to why medical bills were not being paid for the children. ...

DISCUSSION

As noted, this case was adjourned to find out what was happening as to payment for Petitioner's daughter but the answer really became apparent with the Decision in case # BCS-164589. I do recognize that the circumstances here are rather confusing for all parties. Nonetheless, it is apparent that Petitioner's son was covered by BadgerCare+ as an error as described in Decision # BCS-164589. Apparently as a result of agency error in data entry, Petitioner's son was not recognized as being the child of the same father as Petitioner's daughter. As there was access to the father's employee sponsored plan, Petitioner's daughter was not covered by BadgerCare+, though because of the error the son was not believed to have access to coverage under the father's employer plan. As of July 1, 2012, access to an employer sponsored plan meeting HIPAA requirements is a general bar to BadgerCare+ eligibility. *See BadgerCare+ Eligibility Handbook, §7.3; release 13-02.* Children under age 19 could, however, have a deductible established. *Id.* Though the Division of Hearings and Appeals has no authority to order the creation of a deductible given time limits, Petitioner could still inquire of the agency as to that possibility.

CONCLUSIONS OF LAW

That the medical bills of Petitioner's daughter were not covered as her daughter was not BadgerCare+ eligible at the time the medical services were provided because of access to a parent employer health insurance plan.

THEREFORE, it is

ORDERED

That this appeal is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

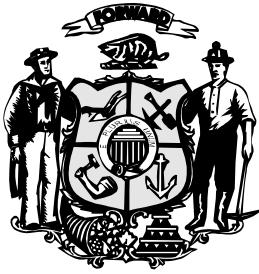
APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,
Wisconsin, this 10th day of August, 2015

\sDavid D. Fleming
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on August 10, 2015.

Division of Health Care Access and Accountability